

COMMISSION OPINION

of 4 March 1977

for the Government of Italy on the draft regulation applying Council Regulation (EEC) No 543/69 on the harmonization of certain social legislation relating to road transport

(77/214/EEC)

1. Pursuant to Article 18 (1) of Regulation (EEC) No 543/69 of 25 March 1969 ⁽¹⁾, the Italian Government, in a letter dated 22 September 1975, notified the Commission of the following draft programmes:

- certificate of professional competence for the carriage of passengers: programme of tests;
- certificate of professional competence for the carriage of goods: programme of tests.

2. These programmes are designed to enable drivers of vehicles carrying passengers over distances of over 50 kilometres to obtain a certificate of professional competence to offset lack of experience, and to enable drivers, aged between 18 and 21, of road haulage vehicles weighing over 7.5 tonnes, to obtain a similar certificate, in accordance with Article 5 of Regulation (EEC) No 543/69.

3. The Commission draws the attention of the Italian Government to the fact that on 16 December 1976 the Council adopted a Directive ⁽²⁾ fixing the minimum level of professional training required in order to obtain the certificate of professional competence referred to in Article 5 of Regulation (EEC) No 543/69.

Under Article 3 of this Directive, Member States, after consulting the Commission, are to bring into force the measures necessary to comply with this Directive within two years following its notification.

4. Although on certain points the national provisions proposed by the Italian Government appear to achieve some of the objectives referred to in Article 5 of the said Regulation, as defined in the said Council Directive, there are certain gaps and inadequacies in the following cases:

carriage of passengers and goods:

- the Italian programme makes no reference to the matters listed under point 1 of the Annex to the Directive concerning knowledge of the construction and main component parts of the vehicle;
- it is not clear from the facts submitted whether candidates for a certificate have to complete a prac-

tical driving test (point 3 of the Annex to the Directive), unless such a test is required in order to obtain a driving licence and in this case it is not necessary to repeat the test to obtain the certificate;

carriage of passengers:

the national Italian measures do not cover the following matters:

- general ability and sufficient geographical knowledge to use road maps and their indexes (point 2.1 of the Annex to the Directive);
- economical use of vehicles (point 2.2 of the said Annex);
- knowledge of the steps to be taken after an accident or similar occurrence (e.g. fire) in connection with vehicle insurance (point 2.3 of the said Annex);

carriage of goods:

the national Italian measures do not cover the following matters:

- elementary knowledge of the driver's responsibility in respect of the receipt, carriage and delivery of goods in accordance with the agreed conditions (point 2.5 of the Annex to the Directive);
- knowledge of the techniques of loading and unloading goods and of the use of loading and unloading equipment (point 2.7 of the said Annex);
- basic knowledge of the precautions to be taken in the handling and carriage of dangerous goods (point 2.8 of the said Annex).

Furthermore, the Italian Government's intention to issue certificates of professional competence to road haulage drivers solely on the basis of experience gained in one year of driving vehicles weighing between 3.5 and 7.5 tonnes is incompatible with Article 5 of Regulation (EEC) No 543/69.

5. The Commission gives a favourable opinion on the Italian measures in question, provided that, before

⁽¹⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽²⁾ Council Directive of 16 December 1976 on the minimum level of training for some road transport drivers (OJ No L 357, 29. 12. 1976).

the expiry of the period provided for in Article 3 of the Council Directive of 16 December 1976, the Italian Government takes steps to remedy the gaps and inadequacies pointed out under 4 above and undertakes henceforth not to issue certificates of competence solely on the basis of professional experience.

Done at Brussels, 4 March 1977.

For the Commission

Richard BURKE

Member of the Commission
